



Winston & Winston, P.C.  
Attorneys for JPMorgan Chase Bank, N.A. (Secured Creditor)  
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Aleksander Powietrzynski (AP7768)

Order Filed on December 26, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:

Gina M. Ziegelhofer,

Debtor.

Case No. 16-11300-VFP

(Chapter 13)

Hearing Date:

Judge: Hon. Vincent F. Papalia

**CONDITIONAL ORDER REGARDING CREDITOR'S CERTIFICATION OF DEFAULT  
OF A PRIOR CONDITIONAL ORDER RESOLVING A MOTION FOR AUTOMATIC  
STAY AS TO THE 2015 SUBARU FORESTER (VIN: JF2SJADC8FH814814) WITH  
WAIVER OF F.R.B.P. RULE 4001(A)(3)**

The Relief set forth on the following pages, numbered two (2) through two (2)  
is hereby **ORDERED**.

**DATED: December 26, 2018**

  
\_\_\_\_\_  
**Honorable Vincent F. Papalia**  
United States Bankruptcy Judge

**(Page 2)**

Debtors: Gina M. Ziegelhofer

Case No.: 16-11300-VFP

Caption of Order: CONDITIONAL ORDER REGARDING CREDITOR'S CERTIFICATION  
OF DEFAULT OF A PRIOR CONDITIONAL ORDER RESOLVING A MOTION FOR  
AUTOMATIC STAY AS TO THE 2015 SUBARU FORESTER (VIN: JF2SJADC8FH814814)  
WITH WAIVER OF F.R.B.P. RULE 4001(A)(3)

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Upon the Stipulation of JPMORGAN CHASE BANK N.A., ("Chase") and Gina M.  
Ziegelhofer ("Debtor") under Bankruptcy Code Section 362 (d)(1) and 362 (d)(2) for relief from  
the automatic stay as to a 2015 Subaru Forester (VIN: JF2SJADC8FH814814) and for good  
cause shown and no cause to the contrary appearing;

IT IS HEREBY ORDERED that the attached Stipulation is "SO ORDERED."

Winston & Winston, P.C.  
Attorneys for JPMorgan Chase Bank, N.A. (Secured Creditor)  
708 Third Avenue, 5<sup>th</sup> Floor, Suite 142  
New York, NY 10017  
(212) 532-2700  
Aleksander Powietrzynski (AP7768)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:

Gina M. Ziegelhofer,

Debtor.

**STIPULATION RESOLVING  
DEBTOR'S DEFAULT OF A  
CONDITIONAL ORDER RESOLVING  
A PRIOR MOTION  
FOR RELIEF OF THE AUTOMATIC  
STAY**

(Chapter 13)  
Case No. 16-11300-VFP

WHEREAS, JPMorgan Chase Bank, N.A., ("Chase") is a secured creditor in the above referenced matter with regard to a 2015 Subaru Forester (VIN: JF2SJADC8FH814814) ("Vehicle"); and

WHEREAS, Chase has a perfected lien regarding the Vehicle, which lien secures the repayment of a New Jersey Retail Installment Contract entered into between Gina M. Ziegelhofer ("Debtor") and Chase on June 5, 2015 for the purchase of the Vehicle; and

WHEREAS, the Debtor is in default of the Retail Installment Contract by failing to make payments when due; and

WHEREAS, the Debtor previously defaulted by failing to make payments when due and Chase filed a motion for relief of stay and on December 1, 2017, Chase and the debtor entered into a conditional order which was So Ordered, by the Court; and

WHEREAS, the Debtor defaulted pursuant to the terms of the conditional order by failing to make payments when due; and



WHEREAS, on October 30, 2018 Chase, through its attorneys, Winston & Winston, P.C., filed and served a Certification of Default, Creditor's Certification of Post-Petition Payments, a Supplemental Attorney Certification, and Proposed Order requesting Relief from the automatic Stay regarding the Vehicle due to the default of the Conditional Order; and

WHEREAS, on November 13, 2018 Debtor, through its attorney, Robert L. Sweeney, Esq., filed and served opposition to Chase's Certification of Default; and

WHEREAS the Certification of Default was made returnable on December 6, 2018 at 10:00 AM which was adjourned until December 20, 2018; and

WHEREAS, the parties seek to amicably resolve this matter and have agreed to the following:

IT IS HEREBY STIPULATED AND AGREED, in order to cure the past due arrears Debtors agree as follows:

- Debtor has made payments towards the post-petition arrears as follows:
  1. Payment in the amount of \$647.74 on 11/21/18;
  2. Payment in the amount of \$971.61 on 12/7/18;
- The balance of the arrears in the amount of \$1,249.42 will be paid by the Debtor as follows:
  1. Payment of \$971.61 (three (3) x regular payment of \$323.87 – two (2) payments towards arrears + one (1) regular monthly payment) to be paid by December 31, 2018; and
  2. Payment of \$925.55 (two (2) x regular payment of \$323.87 + \$277.81 – one (1) regular monthly payment plus remainder of arrears) to be paid by January 20, 2019; and

- Followed by regular monthly payments of \$323.87 per month paid directly by the debtor outside of the Plan on the 20<sup>th</sup> of each month (starting on February 20, 2019) until the lien is fully satisfied.

IT IS FURTHER STIPULATED AND AGREED, that the Debtor will continue to maintain insurance on the Vehicle and will keep the Vehicle in good condition, free any encumbrances and seizures until such time as the lien has been fully satisfied; and

IT IS FURTHER STIPULATED AND AGREED, that in the event the Debtor fails to timely make any payment Chase, and upon failure to timely (within 10 days of any payment date) cure any default, Chase may file a Certification of Default and submit an Order for the Court's signature that vacates the automatic stay pursuant to 11 U.S.C. 362 to permit JPMorgan Chase Bank, N.A. to exercise its rights with respect to the Vehicle, a 2015 Subaru Forester (VIN: JF2SJADC8FH814814) and because this is a second default, Debtor agrees that Debtor will not contest any subsequent attempt by Chase to obtain relief from the automatic stay by filing Certification of Default except if Debtor has made payments to Chase not reflected by Chase's Certification of Post-Petition Payments; and

IT IS FURTHER STIPULATED AND AGREED, that in the event that Debtor defaults pursuant to the terms of this Settlement Agreement and Chase enforces its security interest and repossesses the Vehicle, the Trustee's right to surplus funds is hereby preserved, and Trustee will be given written notice of any surplus monies (if any) remaining after the sold of the Vehicle. Chase is directed to turn over surplus monies (if any) to the Trustee as property of the estate; and

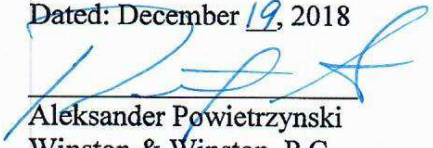
IT IS FURTHER STIPULATED AND AGREED, that in the event of default and Chase's request for an Order granting relief of stay by way of Certification of Default, the

provisions of Rule 4001 requiring a fourteen (14) day waiting period for the effectiveness of the order is hereby waived; and

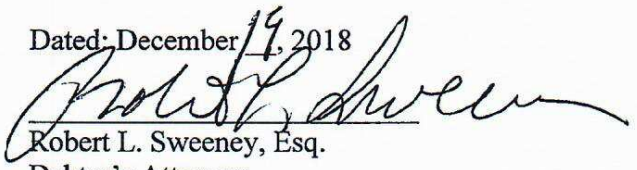
IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be executed in multiple counterparts, each of which shall be deemed original and all of which when taken together shall constitute one and the same instrument; and

IT IS FURTHER STIPULATED AND AGREED, that electronic, copied and facsimile signatures are deemed originals for all purposes.

Dated: December 19, 2018

  
Aleksander Powietrzynski  
Winston & Winston, P.C.  
Attorneys for JPMorgan Chase Bank, N.A.  
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Tel: (212) 922-9483  
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[Alex@winstonandwinston.com](mailto:Alex@winstonandwinston.com)

Dated: December 19, 2018

  
Robert L. Sweeney, Esq.  
Debtor's Attorney  
141 Main Street, 2nd Floor  
Hackensack, NJ 07601  
201-488-0182(p)  
201-488-3463(f)  
[rsweeneylaw@aol.com](mailto:rsweeneylaw@aol.com)



**Certificate of Notice Page 7 of 7**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Gina M. Ziegelhofer  
Debtor

Case No. 16-11300-VFP  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Dec 26, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 28, 2018.

db Gina M. Ziegelhofer, 2256 Margaret Ct, Mahwah, NJ 07430-3830

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 28, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 26, 2018 at the address(es) listed below:

Aleksander P. Powietrzynski on behalf of Creditor JPMORGAN CHASE BANK, N.A.  
alex@winstonandwinston.com  
Andrew M. Lubin on behalf of Creditor Select Portfolio Servicing, Inc. as servicing agent for Deutsche Bank National Trust Company, as trustee for the holders of the CDC Mortgage Capital Trust 2003-HE1 Mortgage Pass-Through Certificates, bkecf@milsteadlaw.com, alubin@milsteadlaw.com  
Andrew M. Lubin on behalf of Creditor Deutsche Bank National Trust Company, as trustee for the holders of the CDC Mortgage Capital Trust 2003-HE1 Mortgage Pass-Through Certificates, Series 2003-HE1 bkecf@milsteadlaw.com, alubin@milsteadlaw.com  
Denise E. Carlon on behalf of Creditor JPMORGAN CHASE BANK, N.A. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Rebecca Ann Solarz on behalf of Creditor JPMORGAN CHASE BANK, N.A. rsolarz@kmlawgroup.com  
Robert L. Sweeney on behalf of Debtor Gina M. Ziegelhofer rsweeneylaw@aol.com, G6120@notify.cincompass.com  
Sean M. O'Brien on behalf of Creditor Deutsche Bank National Trust Company, as trustee for the holders of the CDC Mortgage Capital Trust 2003-HE1 Mortgage Pass-Through Certificates, Series 2003-HE1 sobrien@flwlaw.com

TOTAL: 8